

## **REMARKS**

This is a response to the Office Action mailed December 19, 2003, with a shortened statutory response period of three (3) months ending on March 19, 2004 extended one month by Petition filed herewith. Therefore this Response is timely filed within the one month extension period, namely April 19, 2004. The Commissioner is hereby authorized to charge any additional fees to Deposit Account number 02-1818.

Applicant respectfully requests reconsideration and allowance of the pending claims in view of the above Amendments and Remarks below.

### **1. Status of the Claims**

Claims 37-64, 66-77 and 79-92 are pending in this application. Claims 65 and 78 have been canceled. Claims 37-64, 66-77, 79-84 have been amended. New claims 85-92 have been added. Support for the amendments and new claims may be found in the application as published as follows:

Claim 37, 57 paragraphs 39-40;  
Claims 38, 58, 69 paragraph 76;  
Claim 40, paragraphs 24 and 40;  
Claim 62-64, 66-68, paragraphs 57-66;  
Claims 82-84, paragraphs 79-81; and  
Claims 85-89, paragraphs 88-92;  
Claims 90-91, paragraph 5 and 56 and FIGS. 7-9; and  
Claim 92, paragraph 63.

### **2. §112 Rejections**

Claims 37-84 were rejected under 35 U.S.C. §112, 1<sup>st</sup> paragraph as failing to comply with the written description requirement. The term "self-supporting fibrin material" was considered new matter. The term "self-supporting fibrin material" has been removed from the claims rendering this rejection moot.

Claims 40, 58, 69 and 84 were rejected under 35 U.S.C. §112, 2<sup>nd</sup> paragraph as being indefinite. Regarding claim 40, the term "two densities" was considered confusing. Regarding claims 58 and 69, the recitation of fibrin converted into fibrin was considered confusing. Regarding claim 84, the omission of using the elements of claim 37 in the method of making the article of claim 84 was considered incomplete.

Claim 40 has been amended to recite “a first fiber density in the stretching direction and a second fiber density in the direction perpendicular to the stretching direction ....” Claims 58 and 69 have been amended to recite “preformed fibrin.” Amended claim 84 does not refer to claim 37. These amendments have been made for clarification purposes and do not narrow the scope of the claims or surrender any claimed subject matter. Applicant respectfully submits that the §112 rejections be withdrawn.

### **3. Double Patenting Rejection**

Claim 69 was objected to under 37 CFR §1.75 as being a duplicate of claim 58 as each claim recites fibrinogen containing material that forms the first component. Claim 58 depends from claim 57 and amended claim 68 depends from claim 63 rendering the double patenting rejection moot.

### **4. Prior Art Rejections**

Claims 37-39, 44-46, 48-50, 56-58, 62-69, and 70-84 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,510,077 to Dinh et al. (*Dinh*). Claims 37-84 were rejected under 35 U.S.C. §103(a) as being obvious in view of *Dinh*. Applicant respectfully traverses these rejections as *Dinh* fails to teach or suggest the subject matter recited in the present claims.

*Dinh* fails to teach or suggest an elongated structure composed of a solely mammalian-derived fibrin material longitudinally stretched as recited in claims 37 and 57, for example. Rather, *Dinh* discloses a method for making a fibrin stent by radially compressing a fibrin material against a mold surface. *Dinh*, col. 2 line 61 through col. 3 line 15. The skilled artisan will recognize that *Dinh*'s compression method yields a thin, compacted fibrin structure that is too fragile to be stretched. *Dinh*, col. 2 line 61 through col. 3 line 15; col. 10 lines 40-65. Moreover, the synthetic stent composed of a polyurethane/fibrin blend disclosed in *Dinh* clearly teaches away from the solely mammalian-derived fibrin material recited in the present claims. *Dinh*, col. 8 lines 9-18.

**CONCLUSION**

In view of the foregoing Amendments and Remarks, Applicant respectfully submits that claims 37-64, 66-77 and 79-92 are in condition for allowance and request early notification of the same.

Respectfully submitted,  
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BY



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